

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2003-006316

03/02/2006

HON. PAUL A KATZ

CLERK OF THE COURT  
W. Bobrowski/J. McQueen  
Deputy

FILED: 03/07/2006

FRANK HADLEY SR., et al.

JEFFREY I OSTREICHER

v.

MESA CITY, et al.

WILLIAM H DOYLE

ARTHUR ZARAGOZA  
RICHARD B ARROTTA

**TRIAL MINUTE ENTRY**  
**DAY 3**

Prior to the commencement of Trial, the depositions of Officer Bernard Chris Dunn, dated 12-06-05, Franklin D. Hadley, Sr., dated 9-10-04, Wayne A. Young, dated 12-06-05, Robert Roller, dated 11-30-05, Dora Romero, dated 11-23-04, Franklin D. Hadley, Jr., dated 9-10-04, and James B. Eaves, dated 6-21-05 are filed.

Plaintiffs' exhibit number 163 is marked for identification.

9:34 a.m. Trial to a Jury continues from March 1, 2006. Plaintiff Teresa Arias is present and represented by counsel, Richard B. Arrotta. Plaintiffs Frank Hadley, Sr. and Franklin Hadley are present and represented by counsel, Jeffrey I. Ostreicher. Plaintiff Dora Romero is present and represented by counsel, Arthur Zaragoza. Defendant Bar U7 Farms' representative, Paul Ollerton and Defendant City of Mesa's representatives, Doug Tessendorf and Mark Ishikawa are present and represented by counsel, William H. Doyle and Gary Popham.

Court Reporter, Kim Hannan-Cox, is present.

The Jury is not present.

**IT IS ORDERED** that the slides used during Defendants' opening statement will be marked as an exhibit and retained by the Clerk, but will not be provided to the Jury for deliberations.

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Discussion is held regarding the questioning of witness Jack Conovaloff.

9:47 a.m. The Jury is present.

Jack Conovaloff, previously sworn, resumes the stand and testifies further.

The Court receives a juror question and same is discussed with counsel off the record and out of the hearing of the jury.

An oral response to said question is given to the jury through the questioning of the witness.

Defendants' exhibit number 164 is marked for identification.

Plaintiffs' exhibit number 3 is received in evidence.

Defendants' exhibit number 153 is received in evidence.

Plaintiffs' exhibit number 159 is received in evidence.

The Court receives a juror question and same is discussed with counsel off the record and out of the hearing of the jury.

An oral response to said question is given to the jury through the questioning of the witness.

Witness is excused.

10:46 a.m. Court stands at recess.

11:04 a.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Kim Hannan-Cox, is present.

The Jury is present.

Daniel Shedd is sworn and testifies.

The Court receives a juror question and same is discussed with counsel off the record and out of the hearing of the jury.

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An oral response to said question is given to the jury through the questioning of the witness.

The witness is excused.

Douglas Tessendorf is sworn and testifies.

Plaintiffs' exhibit number 158 is received in evidence.

Plaintiffs' exhibit number 19 is received in evidence.

Plaintiffs' exhibit number 163 is received in evidence.

Plaintiffs' exhibit numbers 27.001 through 27.006 are received in evidence.

12:17 p.m. Court stands at recess.

1:49 p.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Kim Hannan-Cox, is present.

The Jury is present.

Douglas Tessendorf resumes the stand and testifies further.

Plaintiffs' exhibit number 161 is received in evidence.

2:42 p.m. The Jury leaves the Courtroom while Court remains in session.

The Witness is temporarily excused.

Plaintiffs' counsel makes an offer of proof with respect to Plaintiffs' exhibit number 17.

3:11 p.m. Court stands at recess.

Plaintiffs' exhibit number 165 is marked for identification.

3:33 p.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Kim Hannan-Cox, is present.

The Jury is not present.

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**IT IS ORDERED** that Plaintiffs' exhibit number 17 will not be received in evidence at this time.

3:41 p.m. The Jury is present.

Douglas Tessendorf resumes the stand and testifies further.

Plaintiffs' exhibit number 16 is received in evidence.

The witness is excused.

Scot Rigby is sworn and testifies.

4:48 p.m. Court stands at recess until 9:45 a.m. on March 3, 2006.

FILED: Juror Question (3).